

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DISTRICT**

A.M., a minor, by and through Iesha
Mitchell, Guardian and Next Friend, *et al.*,

Plaintiffs,

Case No. 1:22-cv-0475

v.

Hon. Hala Y. Jarbou
Hon. Philip J. Green

Liesl Clark, Eric Oswald, Ernest Sarkipato,
Brandon Onan, *et al.*

Defendants.

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**NOTICE OF FILING EXHIBIT
TO SUPPLEMENT RECORD**

The *Mitchell* Plaintiffs' hereby file this Notice of Filing Exhibit to Supplement Record, which includes Exhibit A – a highlighted copy of the Complaint in *Guertin, et al. v. MI, et al.*, EDMC Case No. 5:16-cv-12412 (ECF No. 1).

Pending before the Court are Defendants' motions to dismiss the *Mitchell* Plaintiffs' complaint. As this Court is aware, the United States Court of Appeals for the Sixth Circuit issued its Opinion and Judgment on January 4, 2019, in *In re: Guertin, et al. v. MI, et al.*, Court of Appeals Docket No. 17-1698. Not yet made part of the *Mitchell* record is the underlying Complaint in *Guertin*, against which the *Guertin* Defendants moved.

Thus, to assist the Court here, the *Mitchell* Plaintiffs have highlighted the factual allegations pled in the *Guertin* Complaint (as to those Defendants remaining in *Guertin*) subsequent to entry of the Sixth Circuit's Opinion and Judgement, *to wit*:

1. Howard Croft – City of Flint (Department of Public Works):

Exhibit A, ¶¶ 23, 100, 104-105, 247-249;

2. Darnell Earley – Emergency Manager:

Exhibit A, ¶¶ 20, 23, 28, 60, 93-94, 97;

3. Gerald Ambrose – Emergency Manager

Exhibit A, ¶¶ 29, 61, 99-100, 146, 179-180;

4. Mike Prysby – State of Michigan (MDEQ)

Exhibit A, ¶¶ 35, 96, 100, 142, 150-151, 157, 182-183, 185, 198, 212;

5. Liane Shekter-Smith – State of Michigan (MDEQ)

Exhibit A, ¶¶ 31, 98-100, 142, 146, 149, 198-201, 207-209, 212, 224, 243, 260-261, 324, 329, 346;

6. Stephen Busch – State of Michigan (MDEQ)

Exhibit A, ¶¶ 31, 96, 98, 101, 142, 152, 157, 182-183, 185, 198, 202, 212-213, 215, 238-239, 242, 346; and

7. Brad Wurfel – State of Michigan (MDEQ)

Exhibit A. ¶¶ 36-37, 204, 212-213, 217, 221, 223, 225-227, 234, 235-238, 287, 333.

Respectfully submitted, this 9th day of May, 2023.

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CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2023, I electronically filed this document with the Clerk of the Court using the ECF System, which will send notification to the ECF counsel of record.

LEVY KONIGSBERG LLP

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